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September 7, 2023

VIA ECF

The Honorable Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

Re: *Nike, Inc. v. StockX LLC*, No. 22 CV 00983 (VEC) (S.D.N.Y.)

Dear Judge Caproni:

Pursuant to the Court's April 7, 2023 and June 28, 2023 Orders, (Dkt. Nos. 158 and 173), plaintiff Nike, Inc. ("Nike") and defendant StockX LLC ("StockX," and together with Nike, the "Parties") respectfully submit this joint letter in advance of the September 15, 2023 pretrial conference.

The Parties jointly propose the following "next steps" in this matter, as the Court requested in its April 7, 2023 Order:

Motions to Exclude the Testimony of Experts: Each party intends to file a single motion addressing any issues concerning the admissibility of the other party's proffered experts' testimony. Each party's *Daubert* motion will be filed by October 13, 2023, responses will be filed by November 3, 2023, and replies will be filed by November 17, 2023. Consistent with the Court's Individual Rule 4(B), memoranda of law in support of and in opposition to each party's *Daubert* motion are limited to 25 pages and reply memoranda are limited to 10 pages.

Motions for Summary Judgment: As discussed with the Court at the April 7, 2023 pretrial conference (Hr'g Tr. at 9:9-15:3), each party is considering filing a motion for summary judgment on certain claims and/or defenses following the Court's resolution of the anticipated *Daubert* motions. Each party's motion for summary judgment will be filed 4 weeks from date of the Court's Order on the anticipated *Daubert* motions, responses will be filed 4 weeks from the date of the motion for summary judgment, and replies will be filed 2 weeks from the date of the responses.

The Parties look forward to discussing the above proposal with the Court on September 15 and thank the Court for its attention to this matter.



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